

Senate File 210 - Introduced

SENATE FILE 210

BY ZUMBACH

A BILL FOR

1 An Act barring claims against county or district fairs for
2 damages arising out of the transmission of pathogens from
3 certain animals housed on the fairgrounds.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 673.1, Code 2017, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 5A. "*Domesticated animal pathogen*"
4 or "*pathogen*" means a microorganism, biological agent, or
5 toxin causing disease, illness, or death to a human, if
6 the microorganism, biological agent, or toxin is primarily
7 transmitted by human contact with a domesticated animal, manure
8 from a domesticated animal, or other excretions or body fluids
9 from a domesticated animal.

10 NEW SUBSECTION. 5B. "*Domesticated animal premises*" or
11 "*premises*" means a location under the management or control of a
12 domesticated animal activity sponsor where domesticated animals
13 are regularly kept for three or more consecutive hours.

14 Sec. 2. NEW SECTION. 673.4 Fairs — domesticated animal
15 premises — liability.

16 1. A fair conducting a fair event under chapter 174 is not
17 liable for damages arising from a claim by a spectator alleging
18 injury or death caused by a domesticated animal pathogen
19 transmitted at a domesticated animal premises located on the
20 fairgrounds. This subsection applies regardless of whether
21 a domesticated animal is present on the domesticated animal
22 premises, when the domesticated animal pathogen is transmitted,
23 or whether a domesticated animal present on the domesticated
24 animal premises is engaged in a domesticated animal activity.

25 2. a. Subsection 1 does not apply to the extent that the
26 spectator proves that the fair failed to post a warning sign
27 at a conspicuous place at the domesticated animal premises as
28 required in section 673.5.

29 b. Proof of the fair's failure to post a warning sign under
30 paragraph "a" shall not constitute proof of a fair's liability
31 for damages alleged by a spectator as described in subsection
32 1.

33 Sec. 3. NEW SECTION. 673.5 Warning sign — notice.

34 A fair conducting a fair event under chapter 174 shall post a
35 warning sign at a conspicuous place on any domesticated animal

1 premises located on the fairgrounds. The warning sign shall be
2 clearly visible to a person visiting the premises for the first
3 time. The sign shall have a white background and the sign's
4 notice shall be printed in black letters a minimum of one inch
5 high in the following form:

6 WARNING

7 DOMESTICATED ANIMAL PREMISES

8 Under Iowa Code chapter 673, a county or district fair is
9 not liable for a domesticated animal pathogen transmitted from
10 this domesticated animal premises. Take necessary sanitary
11 precautions including by not touching your face or consuming
12 food or water until thoroughly cleansing and drying your hands
13 after your visit. As soon as possible after your visit,
14 thoroughly cleanse your hands using an appropriate soap and
15 water and thoroughly dry them after cleansing.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 GENERAL. This bill provides that a county or district
20 fair is not liable for damages sought by a person who alleges
21 an injury or death caused by a pathogen transmitted from a
22 location at a fair event where an animal is kept for more than
23 three hours.

24 TERMS. For purposes of the bill, a person visiting the
25 location is referred to as a "spectator". An animal is limited
26 to livestock, domesticated deer, llamas, and rabbits and is
27 referred to as a "domesticated animal". A pathogen is a
28 microorganism, biological agent, or toxin causing disease,
29 illness, or death, carried by a domesticated animal, and is
30 referred to as a "domesticated animal pathogen". The location
31 where the domesticated animal is kept is referred to as a
32 "domesticated animal premises".

33 REQUIREMENTS. The bill requires a fair to post a
34 conspicuously placed warning sign notifying spectators they
35 must use necessary sanitary precautions during and after the

1 visit. The bill also provides that a fair's failure to post
2 the sign does not constitute proof of the fair's liability.

3 BACKGROUND. The bill amends Code chapter 673 which limits
4 the liability of a person termed a "domesticated animal
5 activity sponsor", including a county or district fair, from
6 being liable to a spectator for assuming inherent risks of
7 physical injury or death caused by a domesticated animal while
8 engaged in an activity normally associated with that animal
9 (e.g., horseback riding), and referred to as a "domesticated
10 animal activity".